

REMARKS

Claims 1-26 have been rejected. Claims 1, 13-14 and 26 have been amended. The abstract has been amended so that it is now under 150 words.

Claims 1 and 14 have been rejected under 35 U.S.C. 112, second paragraph, for reciting “substantially.” Applicants submit that the terms “substantially independent,” “substantially dependent,” and “substantially coded” satisfy the requirements of 35 U.S.C. 112, second paragraph, because one of ordinary skill in the art would understand what is claimed, in light of the specification. See MPEP 2173.05(b). (The court held that the limitation “which produces substantially equal E and H plane illumination patterns” was definite because one of ordinary skill in the art would know what is meant by “substantially equal.” *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988)(Emphasis Added)). Therefore, applicants submit that claims 1 and 14 as amended satisfy the requirements of 35 U.S.C. 112, second paragraph.

Claims 13 and 26 have been objected to for reciting “either the act of feature tuning.” These claims have been amended to remove the word “either.”

Claim 1 stands rejected under 35 U.S.C. §102(e) based on U.S. Patent Application 2003/0005419 filed by applicant Pieper et al. (“Pieper”).

Pieper discloses:

Using conventional techniques, front end process 54 translates source code 52 into a compact intermediate form 56. Code 56 is then processed by optimization processes 58. . . . The code 60 output by the optimization processes 58 is in an intermediate level program code language that is substantially independent of the architecture of the target processor 12. The optimization processes perform this transformation of code 56 based upon, among other

things, execution profile data 78 generated by execution analysis process 76. . . .

Code generator process 62 translates the expanded intermediate code 60 into instructions 64 that are specific to the architecture of the target processor 12. In generating the code 64, generator 62 modifies the code 60 such that code 64 reflects scheduling and other low-level optimizations of the code 60, which are dependent on the target processor architecture.

(Paragraphs 30-31).

However, Pieper does not disclose “flagging the substantially dependent high-level language portion of the second optimized form,” as recited in claim 1 as amended. An advantage of flagging the modified portions of the code is discussed on page 7 of the application. The modified code “may be flagged in the source file to indicate that it is target-specific code. If the target processor later changes, only these identified portions need be addressed for optimization.... Another benefit is that although the coding is specific to the DSP target for the application, the code preferably remains in the high level language. By remaining in the high-level language (versus being re-coded in a low-level language such as an assembly language), the resulting code is inherently much easier to revisit and comprehend should modifications be necessary.” Therefore, applicants submit that claim 1 is patentable over Pieper. Given that claims 2-3 and 8-13 depend from claim 1 as amended, applicants submit that claims 2-3 and 8-13 are also patentable over Pieper.

Claim 14 stands rejected under 35 U.S.C. §102(e) based on Pieper. “flagging the substantially dependent high-level language portion of the second optimized form,” as recited in claim 14 as amended. Therefore, applicants submit that claim 14 as amended is patentable over Pieper. Given that claims 15-26 depend from claim 14 as amended, applicants submit that claims 15-26 are also patentable over Pieper.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) based on Pieper in view of IEEE paper 0-7803-5041-3/99 by Kum et al. (“Kum”).

Pieper does not disclose “flagging the substantially dependent high-level language portion of the second optimized form,” as recited in claim 1 as amended.

Kum discloses "a floating point to integer C converter with shift reduction for fixed-point digital signal processors". Kum does not disclose “flagging the substantially dependent high-level language portion of the second optimized form,” as recited in claim 1 as amended.

Even if Pieper and Kum were combined, the combination would neither teach nor suggest “flagging the substantially dependent high-level language portion of the second optimized form,” as recited in claim 1 as amended.

Therefore, applicants submit that claim 1 as amended is patentable over Pieper in view of Kum. Given that claims 4-7 depend from claim 1 as amended, applicants submit that claims 4-7 are also patentable over Pieper in view of Kum.

CONCLUSION

Allowance of the claims is respectfully requested. The Examiner may call the Assignee's attorney at (650) 849-4422 to further advance prosecution of this case to issuance.

If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No.

50-2518, billing reference no. 7017922001.

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